

EXHIBIT 84

Virgin Islands Code Annotated Currentness

Title 14. Crimes

Chapter 86. Sexual Offender Registration and Community Protection

14 V.I.C. § 1724

§ 1724 Registration requirements

EXHIBIT

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(a) A sex offender required to register in this territory of the United States Virgin Islands under this chapter shall appear in person, unless otherwise required, in accordance with the policies and procedures of the Department of Justice, to register with the Department of Justice on forms provided by the Attorney General of the United States Virgin Islands and shall do so in the following time frame:

(1) A person required to register and who is under supervision in the community on probation, parole, furlough, work release, or a similar program shall register within three (3) business days of being placed under supervision.

(2) A person convicted by the courts of this territory for a covered sex offense and incarcerated or confined in a correctional or juvenile facility or a psychiatric facility within or outside of this territory must register before being released from incarceration or detention.

(3) A person convicted by the courts of this territory for a covered sex offense but is not incarcerated, under supervision or confined must register within three (3) business days of sentencing.

(4) A person who is convicted in any state, territory or Indian tribe of the United States, any foreign jurisdiction or in any federal or military court of one of the covered offenses or an offense similar to one of the covered offenses who moves to or returns to the United States Virgin Islands from another jurisdiction for the purpose of establishing residency, employment, or becoming a student or who did not intend to but who eventually establishes residency, obtains employment or becomes a student within the jurisdiction of this territory shall register within three (3) business days of moving to or returning to the Territory.

(b) All sex offenders required to register in this jurisdiction shall immediately notify the Department of Justice in writing to report the following changes within the prescribed time period and in accordance with the following:

(1) Except as indicated in 1724(b)(4) below, all sex offenders required to register in this jurisdiction shall appear in person at the Department of Justice within three (3) business days after a change is made to update any changes to their name, residence (including termination of residency), temporary lodging information, vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, all sex offenders required to register in this jurisdiction shall within three (3) business days inform the Department of Justice, in person, of any changes to their temporary lodging information and both the sex offender and the Department of Justice shall notify within three (3) business days the jurisdiction in which the sex offender will be temporarily staying.

(2) Any sex offender who is a student in any capacity including, but not limited to, an intern or apprentice within the jurisdiction of the territory of the United States Virgin Islands, regardless of location, that changes their school, or otherwise terminates their schooling, or resumes their schooling shall within three (3) business days appear in person at the Department of Justice to update that information. The Department of Justice shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are notified within three (3) business days of the change.

(3) Any sex offender who is employed in the territory of the United States Virgin Islands in any capacity, including, but not limited to the Government of the Virgin Islands or a private employer or is otherwise employed within the territory of the United States Virgin Islands, regardless of location, that changes their employment, or otherwise terminates their employment, shall appear within three (3) business days in person at the Department of Justice to update that information. The Department of Justice shall ensure that each jurisdiction in which the sex offender is required to register prior to the updated information being given, are notified within three (3) business days of the change.

(4) All sex offenders required to register in this jurisdiction shall appear in person at the Department of Justice at least twenty one (21) calendar days prior to any intended travel outside of the United States and provide information about their intended travel as provided in section 1726; however, a sex offender who provides reasonable and reliable proof satisfactory to the Department of Justice, that he travels frequently outside the United States for work or other legitimate purposes, or a sex offender who travels outside the United States for emergency situations, shall notify the Department of Justice prior to departure, by telephone or in writing, of travel outside the United States for periods of 48 hours or less, and shall notify the Department of Justice in writing at least 24 hours before traveling outside of the United States for periods of more than 48 hours, and, in any such case, shall notify the Department of Justice in writing upon the sex offender's return to this jurisdiction; provided, however that the Attorney General may at his discretion reduce this twenty-one (21) day notice requirement if a sex offender requests such a reduction and provides information in support of the request.

(c) Before moving from the United States Virgin Islands to another jurisdiction within the United States, a person required to register shall register his new address, temporary or permanent, with the Department of Justice before he leaves the territory. Upon arriving in the new state, territory or Indian tribe, a person required to register shall report said arrival to the Department of Justice and register with the agency responsible for registering sex offenders in the new state, territory or Indian tribe of residency within three (3) days of his arrival. The registration information of that person will be removed from the Virgin Islands registry when proof is provided showing that he is registered in the new state, territory or Indian tribe. If a person required to register moves to a foreign country, he must register his new address with the Department of Justice before he leaves the territory and register in the foreign country if there is a registration requirement in that country.

(d) A sex offender who is required to register shall, at a minimum, appear in person at the Department of Justice for the purposes of verification and keeping their registration current in accordance with the following time frames:

(1) For ‘Tier 1‘ offenders, once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

(2) For a ‘Tier 2‘ offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

(3) For ‘Tier 3‘ offenders, once every 90 days for the rest of their lives.

(4) For sex offenders classified in Tier 1, Tier 2 or Tier 3 who are homeless, once every week for the period of years prescribed above based upon his or her tier classification until he or she declares a permanent residence after which the frequency of registration shall be as prescribed above according to his or her tier classification.

(e) A sex offender may have their period of registration reduced as follows:

(1) A ‘Tier 1‘ sex offender may have his or her period of registration reduced to 10 years only after he or she has maintained a clean record for 10 consecutive years and the Sex Offender Registry Board has made a favorable determination regarding the risk of re-offense and the degree of dangerousness the sex offender poses to the community.

(2) A ‘Tier 3’ sex offender may have his or her period of registration reduced to 25 years only if he or she was adjudicated delinquent of an offense as a juvenile that required Tier 3 registration and he or she has maintained a clean record for 25 consecutive years and the Sex Offender Registry Board has made a favorable determination regarding the risk of re-offense and the degree of dangerousness the sex offender poses to the community.

(f) For the purposes of this chapter, a sex offender has a clean record which would allow for the reduction of his or her period of registration if:

- (1) The sex offender has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed;
- (2) The sex offender has not been convicted of any sex offense;
- (3) The sex offender has successfully completed, without revocation, any period of supervised release, probation, or parole; and
- (4) The sex offender has successfully completed an appropriate certified sex offender treatment program.

(g) All in person appearances to register or to keep registration current must be in accordance with the following:

- (1) At each in person verification, the sex offender shall permit the Department of Justice to take a photograph of the offender.
- (2) At each in person verification, the sex offender shall review existing information maintained by the Department of Justice for accuracy.
- (3) If any new information or change in information is obtained at an in person verification, the Department of Justice shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.
- (4) The sex offender shall provide any additional information required by the Attorney General.
- (5) If any new information or change in information is obtained at an in person verification, the Department of Justice shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

Credits

-Added Oct. 31, 1997, No. 6182, § 1, Sess. L. 1997, p. 95; amended Aug. 17, 1999, No. 6285, § 3(b), Sess. L. 1999, p. 34; July 18, 2012, No. 7372, § 6(1)-(11), Sess. L. 2012, p. 136-140; amended Dec. 14, 2012, No. 7458, § 5(1)-(3), Sess. L. 2012, p. 412-413.

HISTORY

Revision notes.

‘Virgin Islands’ was substituted for ‘United States Virgin Islands’ pursuant to the Revised Organic Act of 1954.

Substituted ‘October 31, 1997’ for ‘the effective date of this Act’ wherever it appeared in subsection (a) for purposes of clarity.

Amendments -2012.

Act 7372, § 6(1), rewrote the introductory language in subsection (a).

Act 7372, § 6(2), rewrote subsection (a)(1).

Act 7372, § 6(3), rewrote subsection (a)(2).

Act 7372, § 6(4), rewrote subsection (a)(3).

Act 7372, § 6(5), rewrote subsection (a)(4).

Act 7372, § 6(6), rewrote subsection (b).

Act 7372, § 6(7), rewrote subsection (c).

Act 7372, § 6(8), rewrote subsection (d).

Act 7372, § 6(9), rewrote subsection (e).

Act 7372, § 6(10), rewrote subsection (f).

Act 7372, § 6(11), rewrote subsection (g).

Act 7458, § 5(1), substituted ‘notify’ for appear in person at‘ in subsection (b).

Act 7458, § 5(2), inserted ‘in writing‘ following ‘Department of Justice‘ in subsection (b).

Act 7458, § 5(3), substituted ‘provided in § 1726; however, .. shall notify the Department of Justice in writing upon the sex offender’s return to this jurisdiction‘ for ‘may be required by the Attorney General‘ in subsection (b)(4).

Annotations

1. Registration.

It was error for the trial court to tell defendant that he could register as a sex offender within five years of his release, as the statute required him to register before his release. *Hightree v. People of the Virgin Islands*, 60 V.I. 514, 2014 V.I. Supreme LEXIS 11 (VI 2014). SUPREME COURT OF THE VIRGIN ISLANDS

14 V.I.C. § 1724, VI ST T. 14 § 1724

Statutes current through Act 8699 of the 2022 session of the 34th Legislature, including all code changes through March 15, 2023

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